

(\$25.00) dollars and not more than two hundred (\$200.00) dollars; provided, that nothing in this article shall prohibit the use of only one dog in pursuit of a wounded buck deer, during the open season on buck deer as provided by this chapter; and provided further that this Article shall not apply to the counties of Grimes, Madison, Walker, San Jacinto, Leon, Houston, Polk, Trinity, Harris, Brazoria, Fort Bend, Matagorda, Wharton, Liberty, Hardin, Orange and Lavaca.

SEC. 2. That fact that the First Called Session of the Thirty-ninth Legislature of the State of Texas is nearing an end, and the fact that citizens of Lavaca County are not now permitted to hunt deer with dogs creates an imperative public necessity, declaring that the constitutional rule requiring the bill to be read on three several days and that this Act take effect from and after its passage.

[NOTE.—The enrolled bill shows the foregoing Act passed the Senate, 28 yeas, 0 nays; Senate concurred in House amendments, 29 yeas, 0 nays; passed the House with amendments, 96 yeas, 4 nays.

Approved October 25, 1926.

Effective 90 days after adjournment.

AMENDING CHAPTER 94 OF THE LAWS OF 1925 RELATING TO THE FORFEITURE AND RESALE OF PUBLIC SCHOOL LANDS.

S. B. No. 273.]

CHAPTER 25.

An Act to amend Chapter 94, approved March 19, 1925, relating to the forfeiture and resale of public free school land, and providing for the validation of the forfeiture and resale and award, in cases where requests for revaluation were made within the time required by law, and of applications for said land that were filed after the time allowed by law, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Sections 1, 2, 3, and 4, of an Act approved March 19, 1925, shall be so amended as to hereafter read as follows:

Section 1. In case of any of the public free school lands that have been heretofore purchased from the state have been forfeited for nonpayment of interest and have not been resold, and that which may hereafter be forfeited for nonpayment of interest, either with or without advertisement as being subject to forfeiture for nonpayment of interest that may have accrued prior to November 1, 1925, the owner of such land or a part thereof at the date of forfeiture shall have the right for a period of ninety days after the date of the notice of revaluation of such lands as herein provided to repurchase same upon the terms

and conditions in this Act any or all of the land in whole tracts according to the forfeiture; provided, that two or more portions of the same section or tracts may be combined into one purchase as may be desired by the applicant.

Section 2. Where any of the lands included in the preceding section may hereafter be forfeited for the non-payment of interest in the manner provided by law for such forfeiture and either before or after advertisement of land as being subject to forfeiture for non-payment of interest, the Commissioner of the General Land Office shall forward such list of land to the clerk of the county in which the land is wholly or partly located or to the clerk of the county to which such county may be attached for judicial purposes and include therein such land as may have heretofore been forfeited and remains unsold and on which valid oil and gas applications have not been filed. Within sixty days after a list of such forfeited land was forwarded to the proper clerk the owner or part owner mentioned in the preceding section, who may desire to repurchase such land as provided herein, shall advise the said commissioner of such desire and pay one cent per acre for each acre such person desires revalued. As soon as practicable after the receipt of such advice and the one cent per acre by the commissioner, he shall proceed to ascertain the reasonable value of such land and appraise the same accordingly. Duplicate notices of said appraisal shall be prepared and one shall be sent to the person requesting the revaluation and the other shall be retained for the General Land Office. One of two or more part owners of land who request a revaluation shall be deemed as having acted for the other owners, and a repurchase by such one or more persons shall likewise be deemed as made on behalf of all of them and shall inure to the benefit of every owner of a part thereof to the extent of each ones ownership. If such forfeiting owner desires to repurchase the land at the appraised value placed thereon, he shall file his application therefor in the General Land Office within ninety days after the date in the notice of appraisal, together with one-fortieth of the appraised value and his obligation for the remaining portion of the purchase price bearing the same rate of interest per annum as the forfeited purchase bore. The one-fortieth cash payment and future interest and principal payments and forfeiture for non-payment shall be the same and conform to the present or any future law regulating the purchase and forfeiture of public free school land. The one cent per acre received by the commissioner, or so much thereof as may be necessary, shall be used by him to defray the expenses incident to the revaluation and the remainder, if any, shall be by him returned pro rata to those for whom it was paid into the General Land Office. If land should be purchased under this Act by one or more part owners, such purchase shall inure to the benefit of each and every owner at date of forfeiture according to each one's former interest.

Section 3. If the owner at the date of forfeiture shall not exercise his right to repurchase, the commissioner shall place the land on the market for sale in the manner that is now or may

hereafter be provided by law for the sale of other forfeited public free school lands. One-sixteenth of the oil and gas, and all of other minerals in the lands included herein, whether known or unknown, are expressly reserved to the public free school fund in the event the forfeited sale was with mineral reservation. Forfeited land, on which the owner requests a revaluation as herein provided, shall not be subject to oil and gas application until such forfeiting owner fails to repurchase as herein provided..

Section 4. Whenever any land affected by this Act is repurchased under the rights of repurchase given herein, any lien, legal or equitable, in behalf of any person or the State, and any valid contractual right in favor of any person or persons existing in and to said land, or any part thereof, at the time of forfeiture, shall remain unimpaired and in full force and effect as if no such forfeiture had occurred; also all forfeitures without advertisement of the land for which land the owner or owners of part thereof requested a revaluation within the time prescribed herein and for which applications to repurchase were filed in the General Land Office in legal form after expiration of the time required by law and on which the first one-fortieth cash payment was made, such forfeitures and applications and the sale and award thereon are hereby authorized and in all things validated and shall not be questioned by the State or any person whose rights did not accrue prior to the taking effect of this Act.

Section. 5 The fact that several consecutive years drought in that portion of the State in which most of the public lands are located caused the original enactment of this law and the fact that the validity of forfeitures without first advertising the land as being subject to forfeiture, and naming the date of forfeiture and sale as provided in Chapter 130 of an Act approved March 28, 1925, has been questioned and the fact that this original Chapter 94 could not have been executed without great expense to the State, except in the manner it has been administered by the General Land Office, which has attained the purpose of the Legislature in its enactment, and the importance of placing land titles beyond question, creates an emergency and an imperative public necessity exists, that the constitutional rule requiring bills to be read on three separate days in each house be suspended and that this be placed upon third reading and final passage, and take effect from and after its passage and it is so enacted.

[NOTE.—The enrolled bill shows the foregoing Act passed the Senate, 22 yeas, 0 nays; passed the House by vote of viva voce.]

Approved October 27, 1926.

Effective 90 days after adjournment.